



Our File: 29399-0059 DJH:BTN:pdz

**IN THE UNITED STATES PATENT AND TRADEMARKS OFFICE**

**In The Matter of Patent Application:**

Serial No. : 10/639,948  
Applicant : Medicure International Inc.  
Filing Date : August 12, 2003  
Title : TREATMENT OF CARDIOVASCULAR AND RELATED PATHOLOGIES

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**AFFIDAVIT OF DAVID HELLER**

I, David Heller, patent and trade-mark lawyer, of One Queen Street East, Suite 2400, Toronto, Ontario, M5C 3B1, Canada, MAKE OATH AND SAY AS FOLLOWS:

1. I am the Canadian patent agent for Medicure International Inc. responsible of the above application.
2. The amendatory material on disclosure pages 13, 23 to 26, 31 and 32 consists of the same material incorporated by reference in the disclosure.
3. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that wilful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such wilful false statements may jeopardize the validity of the application or any patent issued thereon.

Sworn before me, at the city of

Toronto, in the province of  
Ontario this 21<sup>st</sup> day of  
September, 2004

DAVID HELLER

A Commissioner etc.



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**AFFIDAVIT OF WASIMUL HAQUE**

1. I, Wasimul Haque, am a co-inventor on U.S. Patent No. 6,339,085. I am also the co-inventor for U.S. Patent Application No. 10/639,948.

2. U.S. Patent No. 6,339,085 teaches hypertrophy in a mammal with administration of the 3-acylated compounds of the formula in claim 1 of Application No. 10/639,948, concurrently with angiotensin converting enzyme inhibitor, and angiotensin II receptor antagonist, and a calcium channel blocker, a vasodilator, a diuretic, and mixtures thereof. Further, U.S. Patent No. 6,339,085 teaches enterally or parenterally administering these compounds as well as unit dosage forms of the compound disclosed in claim 1 of U.S. Patent Application No. 10/639,948.

3. The 3-acylated pyridoxal compounds disclosed in claim 1 of U.S. Patent No. 6,339,085 has a larger genus than the selected 3-acylated pyridoxal compounds of U.S. Patent Application No. 10/639,948.

4. The invention disclosed but not claimed in U.S. Patent No. 6,339,085, was derived from myself, and thus is not an invention "by another" with respect to U.S. Patent Application No. 10/639,948.

5. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and

further that these statements were made with the knowledge that wilful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such wilful false statements may jeopardize the validity of the application or any patent issued thereon.

Sworn before me, at the city of )

Winnipeg, in the province of )

Manitoba, this 24<sup>th</sup> day of )

September, 2004 )

A Commissioner, etc. )

  
Wasimul Haque

WASIMUL HAQUE

## ASSIGNMENT

WHEREAS, we, Rajat SETHI, residing at 3 Bunton Court, Winnipeg, Manitoba, R3X 1K4 CANADA and Wasimul HAQUE, residing at 2220 Kaufman Way, Edmonton, Alberta, T6L 7E2, CANADA, made certain new and useful inventions and improvements for which we filed an application for Letters Patent of the United States on August 24, 2000, application Serial No.09/645,237 which is entitled TREATMENT OF CARDIOVASCULAR AND RELATED PATHOLOGIES.

AND WHEREAS, Medicure International Inc., a corporation organized and existing under and by virtue of the laws of Barbados, West Indies, and having an office and place of business at "Albion" Skeete's Hill, Rockley Christ Church, Barbados, West Indies (hereinafter "Assignee") is desirous of acquiring the entire right, title and interest in and to said inventions, improvements and application and in and to the Letters Patent to be obtained therefor;

NOW THEREFORE, to all whom it may concern, be it known that for and in consideration of the sum of One Dollar and other good and valuable considerations, the receipt and sufficiency whereof is hereby acknowledged, we have sold, assigned, and transferred, and by these presents do sell, assign and transfer unto said Assignee, its successors or assigns, the entire right, title and interest for all countries in and to all inventions and improvements disclosed in the aforesaid application, and in and to the application, all divisions, continuations, or renewals thereof, all Letters Patent which may be granted therefrom, and all reissues or extensions of such patents, and in and to any and all applications which have been or shall be filed in any foreign countries for Letters Patent on the inventions and improvements, including an assignment of all rights under the provisions of the International Convention, and all Letters Patent of foreign countries which may be granted therefrom; and we do hereby authorize and request the Commissioner of Patents and Trademarks to issue any and all United States Letters Patent for the aforesaid inventions and improvements to the Assignee as the assignee of the entire right, title and interest in and to the same, for the use of the Assignee, its successors and assigns.

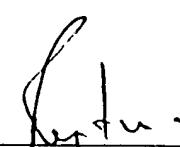
AND, for the consideration aforesaid, we do hereby agree that we and our executors and legal representatives will make, execute and deliver any and all other instruments in writing including any and all further application papers, affidavits, assignments and other documents, and will communicate to said Assignee, its successors and representatives all facts known to us relating to said improvements and the history thereof and will testify in all legal proceedings and generally do all things which may be necessary or desirable more effectually to secure to and vest in said Assignee, its successors or assigns the

) entire right, title and interest in and to the improvements, inventions, applications, Letters Patent, rights, titles, benefits, privileges and advantages hereby sold, assigned and conveyed, or intended so to be.

AND, furthermore we covenant and agree with said Assignee, its successors and assigns, that no assignment, grant, mortgage, license or other agreement affecting the rights and property herein conveyed has been made to others by us and that full right to convey the same as herein expressed is possessed by us.

IN TESTIMONY WHEREOF, I have hereunto set my hand this 28<sup>th</sup> day of

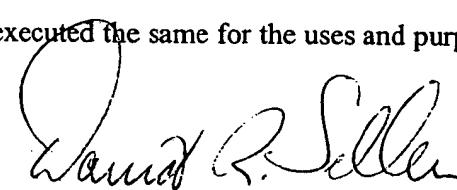
September, 2000.

  
Rajat SETHI

PROVINCE  
STATE OF MANITOBA, CANADA  
(CITY ) ss.  
COUNTY OF WINNIPEG )

On this 28 day of SEPTEMBER 2000, before me personally appeared Rajat SETHI to me known and known to me to be the person described in and who executed the foregoing instrument, and he duly acknowledged to me that he executed the same for the uses and purposes therein set forth.

[SEAL]

  
Notary Public *in and for the*  
*Province of Manitoba.*

DAVID R. SELLEN

IN TESTIMONY WHEREOF, I have hereunto set my hand this 26<sup>th</sup> day of

September, 2000.

Wasimul Haque  
Wasimul HAQUE

PROVINCE

STATE OF MANITOBA, CANADA

CITY ) ss.  
COUNTY OF WINNIPEG )

On this 28 day of SEPTEMBER, 2000, before me personally appeared Wasimul HAQUE to me known and known to me to be the person described in and who executed the foregoing instrument, and he duly acknowledged to me that he executed the same for the uses and purposes therein set forth.

[SEAL]

DAVID R. SELLEN  
Notary Public ~~in and for the~~  
~~Province of Manitoba~~  
DAVID R. SELLEN

**ASSIGNMENT**

WHEREAS, I, Wasimul Haque, residing at 4832 - 17th Avenue, Edmonton, Alberta, Canada T6L 2Y7, made certain new and useful inventions and improvements for which I filed an application for Letters Patent of the United States on even date herewith, which is entitled PYRIDOXAL ANALOGUES AND METHODS OF TREATMENT.

AND WHEREAS, Medicure Inc., a corporation organized and existing under and by virtue of the laws of Canada, and having an office and place of business at 62 Scurfield Boulevard, Winnipeg, Manitoba, Canada R3Y 1M5 (hereinafter "Assignee") is desirous of acquiring the entire right, title and interest in and to said inventions, improvements and application and in and to the Letters Patent to be obtained therefor;

NOW THEREFORE, to all whom it may concern, be it known that for and in consideration of the sum of One Dollar and other good and valuable considerations, the receipt and sufficiency whereof is hereby acknowledged, I have sold, assigned, and transferred, and by these presents do sell, assign and transfer unto said Assignee, its successors or assigns, the entire right, title and interest for all countries in and to all inventions and improvements disclosed in the aforesaid application, and in and to the application, all divisions, continuations, or renewals thereof, all Letters Patent which may be granted therefrom, and all reissues or extensions of such patents, and in and to any and all applications which have been or shall be filed in any foreign countries for Letters Patent on the inventions and improvements, including an assignment of all rights under the provisions of the International Convention, and all Letters Patent of foreign countries which may be granted therefrom; and I do hereby authorize and request the Commissioner of Patents and Trademarks to issue any and all United States Letters Patent for the aforesaid inventions and improvements to the Assignee as the assignee of the entire right, title and interest in and to the same, for the use of the Assignee, its successors and assigns.

AND, for the consideration aforesaid, I do hereby agree that I and my executors and legal representatives will make, execute and deliver any and all other instruments in writing including any and all further application papers, affidavits, assignments and other documents, and will communicate to said Assignee, its successors and representatives all facts known to me relating to said improvements and the history thereof and will testify in all legal proceedings and generally do all things which may be necessary or desirable more effectually to secure to and vest in said Assignee, its successors or assigns the entire right, title and interest in and to the improvements, inventions, applications, Letters Patent, rights, titles, benefits, privileges and advantages hereby sold, assigned and conveyed, or intended so to be.



AND, furthermore I covenant and agree with said Assignee, its successors and assigns, that no assignment, grant, mortgage, license or other agreement affecting the rights and property herein conveyed has been made to others by me and that full right to convey the same as herein expressed is possessed by me.

IN TESTIMONY WHEREOF, I have hereunto set my hand this 3<sup>rd</sup> day of March, 2000 in the city of Winnipeg, province of Manitoba, CANADA.

Wasimul Haque  
Wasimul Haque

STATE OF Manitoba )  
COUNTY OF CANADA ) ss.

On this 3<sup>rd</sup> day of March, 2000 before me personally appeared Wasimul Haque to me known and known to me to be the person described in and who executed the foregoing instrument, and he duly acknowledged to me that he executed the same for the uses and purposes therein set forth.

[SEAL]

  
Notary Public